



Appointment of Members to Council

Introduction

By an amendment to the Education Act 1989 (“the Act”) effective on 1 March 2010, each polytechnic Council is required to have in place a statute providing for the appointment of members under section 222AA(1)(b) of the Act. This statute took effect from 15 March 2010.

Purpose and Application

Statute Purpose

- a. This statute provides for the appointment of members to the Council of **Unitec Institute of Technology** under section 222AA(1)(b) and otherwise in accordance with the provisions of sections 222AA to 222AI of the Act.

Application of Statute

- a. The Council shall be entitled to appoint four persons as members of the Council in accordance with this statute.
- b. This statute shall apply to all appointments of Council members made after the date that this statute is approved by the Council.
- c. This statute shall be given effect so that the first members of Council appointed in accordance with its terms shall commence their terms of office on and from 1 May 2010.

Policy Statement

1.1. Persons Eligible for Appointment

- a. A person is not eligible for appointment as a member of the Council:
 - i. As specified in section 222AA(2) of the Act and/or
 - ii. If he or she is an employee of **Unitec Institute of Technology**.
- b. Members will be appointed for their knowledge, skills or experience as stipulated in the **Knowledge and Skills Profile** (Schedule 1), and following a skills and knowledge assessment in accordance with section 1.4.1(iii)

1.2. Matters to be considered when making appointments

- c. When making appointments or calling for nominations under section 4.1, the Council shall give priority to those persons who will ensure that the Council membership overall:
 - i. includes at least one person who is Māori; and
 - ii. so far as is possible, reflects the ethnic, gender and socio-economic diversity of the community Unitec serves; and
 - iii. comprises people who (in the Council's opinion):

- have relevant knowledge, skills, or experience in accordance with the Knowledge and Skills Profile; and
- are able and available to fulfil their individual duties as members of the Council and the functions, duties, and responsibilities of the Council as determined by Council and specified in sections 181 and 222AG of the Act.

1.3. Term of office

- d. The term of office of any member of the Council appointed under section shall be no more than 4 years, provided, however, that any member is eligible to be appointed for a second or later term.

1.4. Appointment Processes

1.4.1. Appointment of a member in consultation with Organisations in Schedule 2

- i. The Council shall establish an Appointments Committee, comprising the Council chair and two members elected by Council.
- ii. The Appointments Committee will review and update the Knowledge and Skills Profile at least every two years, or more frequently if required. Following the review, Council will vote to approve the updated Profile.
- iii. Six months prior to a vacancy, or upon being advised of an impending vacancy if the vacancy occurs at less than six months' notice, the Appointments Committee will conduct an assessment of Council members against the Profile to identify any skill and knowledge gaps that should be sought in a new member.
- iv. The results of the assessment will then be used by the Appointments Committee to determine organisations, bodies or groups from Schedule 2 that the Council chair should approach to request nominations of candidates who meet the requirements of the profile. Following the receipt of all nominations the Appointments Committee may interview each candidate to determine his or her suitability for appointment.
- v. Following the assessment and nomination phases:
 - in the case of an appointment to be made by the Minister, the Council chair, in consultation with the Appointments Committee, shall write to the Minister setting out the Council's requirements and the name or names of any nominee or nominees that Council believes fit the identified skill and knowledge requirements; or
 - in the case of an appointment to be made by the Council, a recommendation shall be put to the Council for its consideration and, if thought fit, its approval. The Council may, if it thinks fit, require the Appointments Committee to make further enquiries or to consider further nominees before the Council votes on the appointment.

1.4.2. Appointment of a member in consultation with Organisations in Part S.2.1 of Schedule 2

- i. At least two months before expiry of the term of office of a Council member appointed in consultation with organisations with whom Unitec has a formally constituted relationship as specified in S.2.1 of Schedule 2, and/or if such bodies are identified in accordance with section 1.4.1(iv) of this statute, the chair of the Appointments Committee shall consult with those organisations and receive a nomination from them.

- ii. The Appointments Committee shall consider the nomination and, after making such further enquiries as it considers appropriate, make a recommendation to the Council.
- iii. The Council shall consider the recommendation of the Appointments Committee and shall, unless it has serious misgivings as to whether the recommended person meets the relevant criteria, vote on the recommended appointment.

1.4.3. Re-appointment processes

- i. Any member who is eligible and willing to be appointed for a further term shall be considered for re-appointment to Council in accordance with the consultation processes governing his or her first appointment.

1.5. Casual Vacancies

- e. A casual vacancy shall arise if a person appointed as a member of the Council under the provisions of this statute:
 - i. dies; or
 - ii. resigns from the Council more than four months before the end of that member's term of office on Council; or
 - iii. is absent without leave from three consecutive meetings of the Council, or
 - iv. is removed under section 222AJ of the Act or section 1.6(h) of this statute.
- f. Casual vacancies shall be filled in accordance with section 176 of the Act.

1.6. Removal of members

- g. The Minister may remove a member of the Council from office in accordance with section 222AJ of the Act.
- h. The Council may, subject to the principles of natural justice and a proper consideration of the matter, suspend or remove by resolution a member who either has become disqualified under section 174 of the Act or has, in the opinion of the Council, committed a serious breach of his or her duties under section 1.2(iii) of this statute, or who has otherwise brought Unitec or the Council into disrepute.

1.7. General

- i. The power of the Council shall not be affected by any vacancy in its membership.
- j. The Council shall be entitled to invite to meetings any person who, in the opinion of the Council, represents skills, experience or background which are not otherwise represented by any of the members of the Council (whether appointed under sub-section 1.1(b) or by the Minister). Such persons may advise, provide reports or otherwise contribute to the business of Council meetings, although without having the right to vote, and may include
 - i) The Chief Executive
 - ii) The Pae Arahi
 - iii) The Chief Financial Officer
 - iv) The Chair of Academic Board
 - v) A person selected from Unitec staff
 - vi) A person selected from Unitec students
 - vii) A person selected from the Rūnanga of Unitec

- viii) Any other person who the Council considers may assist the Council in its deliberations and decision-making.
- k. Matters pursuant to selection and attendance will be documented in the Council Standing Orders
- l. This statute is intended to be consistent with the Act and, in the event of any inconsistency; the provisions of the Act shall prevail.

Definitions

Term	Means
The Act	means the Education Act 1989 and its amendments
Appointments Committee	means the committee established by the Council to conduct assessments of members and Council requirements and to seek nominations and make recommendations for the appointment of Council members in accordance with this statute
Council	means the council of Unitec Institute of Technology
Minister	means the minister as defined under the Act to administer Parts 13 to 24 of the Act
Organisation	means an organisation, body or group as set out in Schedule 2 and as amended from time to time by the Council
Profile	means the Unitec Knowledge and Skills Profile as set out in Schedule 1 as amended from time to time by the Council
Unitec	means Unitec Institute of Technology

Reference Documents

- [Education Act 1989](#).

Appendices

Schedule 1: Unitec Council Knowledge and Skills Profile

Schedule 2: Organisations, Bodies or Groups for Consultation

Approval Details

Version number (this version)	V2.0	Issue Date (this version)	Insert Date of Issue
Version History (Amendments made to this version)	Date of amendment/s: <ul style="list-style-type: none">August 2017	Amendment/s: <ul style="list-style-type: none">Updated to reflect changes to the Education Act 1989 in respect of reference #Updated to new template	
Consultation Scope (if appropriate)	Key stakeholders consulted in the review of this policy: <ul style="list-style-type: none">Council members		

Approval authority	Council	Date of Approval	28 August 2017
Policy Sponsor (Has authority to approve minor amendments)	Council Chair	Policy Owner	Governance Office
Contact Person	Lynnette Brown	Date of Next Review	August 2020

Schedule 1: Unitec Council Knowledge and Skills Profile**Governance Skills / Expertise**

Finance
Audit and risk management
Business and commercial
Tertiary education
Employment and industry relations
Legal
Community engagement
Property management
Communication
Marketing and stakeholder relationships
Capability to be Chair or Deputy Chair of Council

Knowledge of Stakeholder Groups/Environments

Tangata whenua knowledge
Education section knowledge
Education sector
Pacific community
Auckland and its communities
Employer/industry and government networks

Schedule 2: Organisations, Bodies or Groups for Consultation

The following are examples of organisations, bodies or groups who might be approached as part of the appointment processes specified in section 4.4

S.2.1. Bodies with whom Unitec has a formally constituted relationship

This list reflects current formal relationships and may be amended over time.

- The Rūnanga of Unitec
- The Fono Fauautua

S.2.2. General

This list is indicative only and does not preclude consultation with other organisations, bodies or groups reflective of Unitec's local community.

- Auckland Council and related bodies
- Business New Zealand
- Employers and Manufacturers Association (Northern) Inc
- Government bodies and agencies
- New Zealand Institute of Chartered Accountants
- Institution of Professional Engineers New Zealand
- New Zealand Association of Bridging Educators
- New Zealand Council of Trade Unions
- New Zealand Teachers Council
- Ngā Iwi Whānui o Tāmaki-makau-rau
- Ngāti Whatua o Orākei Maori Trust
- NZ Institute of Building
- NZ Institute of Quantity Surveyors Inc
- Public Relations Institute of New Zealand
- Royal Society of New Zealand
- Service and Food Workers Union, Northern Regional Office
- Te Whanau o Waipareira Trust
- Telecommunications Users Association of New Zealand Inc
- NZ Nurses Organisation
- NZ Veterinary Association
- Osteopaths New Zealand
- NZ Institute of Architects